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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,493	05/31/2001	Mark A. Geiger	KLMK010	9598

7590 12/01/2004  
Paul S. Evans  
1661 Somerset Court  
Farmington, UT 84025

EXAMINER

PARSONS, CHARLES E

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/871,493

Applicant(s)

GEIGER ET AL.

Examiner

Charles E Parsons

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-16 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malec PN5295064.

Claim 1: An electronic shopping cart display system comprising:

a plurality of display units having a display screen attached to a plurality of shopping carts for displaying information; (See Malec figure 9A)

a transmitter for sending information to the plurality of transceiver units; (See Malec figure 5 item 602)

an audible alert component on the display unit for signaling receipt of information from the transceiver unit; (See figure 10 items 1308 and 1309) and

a computer for operating the interaction between the plurality of display units, the plurality of transceiver units, and the transmitter. (See figure 4 item 502)

one or more transceiver units for sending information to the plurality of display units and being located proximate to promoted items; (See Malec figure 4 items 503, 500, 513 and 514, while items 513 and 514 are transmitters item 503 transmits information to the carts 500 when the carts enter a particular area thus achieving the same result as if the data was sent to a transceiver then relayed to a cart when the cart entered a particular area.

One issue with Malec's invention is that it requires the on board display electronics to search for messages associated with a particular transmitter, thus requiring expensive on board memory for every cart See column 8 lines 52-65. Therefore it would have been

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obvious to one of ordinary skill in the art to replace the transmitters with transceivers to make the invention as claimed. One would have been motivated to do so by a desire to eliminate the need for memory on the cart by sending message information directly to the transceivers to then relay the information to the display on the cart.)

Claim 2: An electronic shopping cart display system according to claim 1, wherein the display unit includes buttons for enabling a user to select information requests and directions. (See Malec figure 9B)

Claim 3: An electronic shopping cart display system according to claim 1, wherein the display unit automatically receives a signal for providing information. (See Malec column 8 lines 52-65)

Claim 4: An electronic shopping cart display system according to claim 1, wherein the transceiver unit provides independent processing of data and independent communication with the display unit. (See figure 4 item 503 as well as figure 10 item 504, note that the display is capable of independent communication with a transceiver. If the transmitter 514 were to be replaced by with a transceiver, a reasonable expectation of success would be achieved)

Claim 5: An electronic shopping cart display system according to claim 1, wherein the transceiver unit includes a proximity sensor that detects the presence of a shopping cart within a programmed range and initiates transmission of the trigger and data signals to the display unit. (See figure 10 item 1313 and 1314)

Claim 6: An electronic shopping cart display system according to claim 1, wherein the transceiver unit includes a radio frequency receiver to receive radio frequency transmissions from the computer. (See figure 5 item 602)

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Claim 7: An electronic shopping cart display system according to claim 1, wherein the display unit includes a radio frequency receiver to receive radio frequency transmissions from a transceiver unit. (See figure 10 item 1317)

Claim 8: An electronic shopping cart display system according to claim 1, wherein the display unit includes an infrared receiver to receive infrared transmissions from a transceiver unit. (See column 10 lines 9-14.)

Claim 9: An electronic shopping cart display system according to claim 1, wherein the display unit includes a microwave receiver to receive microwave transmissions from a transceiver unit. (See column 23 lines 45-49)

Claim 10: An electronic shopping cart display system according to claim 1, wherein the display unit includes an ultrasonic receiver to receive ultrasonic transmissions from a transceiver unit. (At the time the invention was made it was well known in the art that ultrasonic transmission was interchangeable with IR or microwave transmission. Furthermore in column 10 line 12-13 Malec clearly teaches that any FCC Part 90 authorized transmission could be used. Therefore it would have been obvious to one of ordinary skill in the art to communicate via ultrasound motivated by the knowledge as taught by Malec that it could be used in place of IR or any other form.)

Claim 11: An electronic shopping cart display system according to claim 1, wherein the display unit includes a sensor utilizing an ultrasonic signal for determining distance between the display unit and the transceiver unit. (At the time the invention was made it was well known in the art to utilize ultrasonic signals to determine the distance between two objects. Therefore it would have been obvious to one of ordinary skill in the art to use an

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ultrasonic signal to determine the distance motivated by a need to keep track of the whereabouts of the shopping cart.) Official notice served.

Claim 12: An electronic shopping cart display system according to claim 4, wherein the transceiver unit has a separate identification such that data transmitted from the computer is transmitted throughout a store but is processed and stored only by a transceiver unit to which the data is intended. (See column 15 lines 19-34)

Claim 13. An electronic shopping cart display system according to claim 1, further comprising a battery charger unit for powering the display unit. (See Malec figure 4 item 505)

Claim 14. An electronic shopping cart display system according to claim 1, wherein the computer, the plurality of display units, and the transmitter are linked through radio frequency transmissions. (See Malec Column 18 line 57)

Claim 15, 21: An electronic shopping cart display system according to claim 1, wherein the computer, the plurality of display units, the plurality of transceiver units, and the transmitter are linked through infrared transmissions. (See Malec column 10 lines 9-14.)

Claim 16: An electronic shopping cart display system according to claim 1, further comprising internet access for connecting a shopper directly to internet content. (At the time the invention was made, connection to the internet was widely known and in use. While Malec system predates the internet as it was used at the time the invention was made, it would have been obvious to one of ordinary skill in the art to connect the displays to the internet. One would have been motivated to do so in an effort to either provide timely product information or allow the customer to research a product before buying it.) Official notice served.

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Claim 18. An electronic shopping cart display system according to claim 1, further comprising a means for locating a shopping cart's position within a store. (See Malec column 11 lines 23-44)

Claim 19: An electronic shopping cart display system according to claim 1, further comprising a data card reader. (See Malec lines 62-65 a smart card reader and data card reader are considered synonymous.)

Claim 20. An electronic shopping cart display system according to claim 1, further comprising a motion sensor for limiting power or turning off power to a display unit when a particular shopping cart has not been in motion for a specified time. (See Malec figure 10 item 1323 as well as column 24 lines 20-29)

Claim 22. An electronic shopping cart display system according to claim 1, wherein the display unit further comprises a scanner for reading product UPC labels. (See Malec column 22 lines 41-55)

Claim 23 An electronic shopping cart display system according to claim 1, wherein the display unit further comprises a battery status indicator. (See Malec Column 23 line 68 through column 24 line 10)

3. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Malec as applied to claim 1 above, and further in view of MacIntyer.

Claim 17: An electronic shopping cart display system according to claim 1, further comprising an alarm when a shopping cart leaves a prescribed area. (While Malec makes no mention

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of an alarm, MacIntyre does see abstract. At the time the invention was made it was well known in the art that shopping cart theft was a serious and costly problem See MacIntyre column 1 lines 8-25. Therefore, it would have been obvious to one of ordinary skill in the art to include an alarm system that would deter theft of said shopping carts motivated by the above mentioned teaching.)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Parsons whose telephone number is 703-305-3862. The examiner can normally be reached on M-TH 7AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CEP

  
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